

PHARMACY BOARD[657]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 124.301, 124B.11, and 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 2, “Pharmacist Licenses,” Chapter 3, “Pharmacy Technicians,” Chapter 8, “Universal Practice Standards,” Chapter 10, “Controlled Substances,” Chapter 12, “Precursor Substances,” and Chapter 17, “Wholesale Drug Licenses,” Iowa Administrative Code.

The amendments were approved at the November 17, 2009, regular meeting of the Board of Pharmacy.

The proposed amendments decrease fees for the licensure and registration of pharmacists, pharmacy technicians, pharmacies, drug wholesalers, precursor substances permittees, and individuals involved in the distribution of controlled substances in Iowa. Late payment penalty fees and examination or license transfer fees are also reduced. Pursuant to Iowa Code section 147.80, the Board reviewed current fee schedules and projected revenues and expenditures and determined that fees should be decreased to align revenues with anticipated expenses relating to support of these Board programs and activities.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on January 19, 2010. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by E-mail to terry.witkowski@iowa.gov.

These amendments are intended to implement Iowa Code sections 124.301, 124.302, 124B.11, 147.10, 147.11, 147.34, 147.44, 147.53, 147.80, 155A.6, 155A.6A, 155A.11, 155A.13, 155A.13A, 155A.14, 155A.17, and 155A.39.

The following amendments are proposed.

ITEM 1. Amend subrule 2.3(1) as follows:

2.3(1) Fees to the board. The biennial license fee shall be the fee established by rule 657—2.11(147,155A), including surcharge. The processing fee shall be ~~\$80~~ \$50. No refunds of the processing fee shall be made for cancellation or withdrawal of applications. The license fee and processing fee shall be payable to the Iowa Board of Pharmacy and may be remitted in the form of personal check, money order, or certified check. No refund of fees shall be made for failure to complete all licensure requirements within the period specified in subrule 2.1(2).

ITEM 2. Amend subrule 2.9(4) as follows:

2.9(4) Fees. The fee for license transfer shall consist of the biennial license fee established by rule 657—2.11(147,155A) including surcharge and a processing fee of ~~\$100~~ \$50. No refunds of the processing fee shall be made for cancellation or withdrawal of an application. The license fee and processing fee shall be payable to the Iowa Board of Pharmacy and may be remitted in the form of personal check, money order, or certified check.

ITEM 3. Amend rule 657—2.11(147,155A) as follows:

657—2.11(147,155A) License expiration and renewal. A license to practice pharmacy shall expire on the second thirtieth day of June following the date of issuance of the license, with the exception that a new pharmacist license issued between April 1 and June 29 shall expire on the third thirtieth day of

June following the date of issuance. The license renewal certificate shall be issued upon completion of the renewal application and timely payment of a ~~\$200~~ \$100 fee plus applicable surcharge pursuant to 657—30.8(155A).

2.11(1) Late payment penalty. Failure to renew the license before July 1 following expiration shall require payment of the renewal fee, a penalty fee of ~~\$200~~ \$100, and applicable surcharge pursuant to 657—30.8(155A). Failure to renew the license before August 1 following expiration shall require payment of the renewal fee, a penalty fee of ~~\$300~~ \$200, and applicable surcharge pursuant to 657—30.8(155A). Failure to renew the license before September 1 following expiration shall require payment of the renewal fee, a penalty fee of ~~\$400~~ \$300, and applicable surcharge pursuant to 657—30.8(155A). Failure to renew the license before October 1 following expiration may require an appearance before the board and shall require payment of the renewal fee, a penalty fee of ~~\$500~~ \$400, and applicable surcharge pursuant to 657—30.8(155A). In no event shall the combined fee and penalty fee for late renewal of the license exceed ~~\$700~~ \$500 plus applicable surcharge pursuant to 657—30.8(155A). The provisions of Iowa Code section 147.11 shall apply to a license that is not renewed within five months of the expiration date.

2.11(2) No change.

ITEM 4. Amend rule 657—3.10(155A) as follows:

657—3.10(155A) Registration fee. The following fees for initial registration and registration renewal shall apply to the specified registration applications filed within the following time frames. The appropriate fee shall be submitted with the registration application in the form of a personal check, certified check or cashier's check, or a money order payable to the Iowa Board of Pharmacy.

~~**3.10(1) Registration prior to July 1, 2009.** The fee for obtaining an initial technician registration, for obtaining an initial certified pharmacy technician registration, or for renewal of a technician or certified technician registration prior to July 1, 2009, shall be \$40 plus applicable surcharge pursuant to rule 657—30.8(155A).~~

3.10(2) 3.10(1) Registration beginning July 1, 2009 Certified pharmacy technician registration. The fee for obtaining an initial certified pharmacy technician registration or for biennial renewal of a certified pharmacy technician registration beginning July 1, 2009, shall be ~~\$50~~ \$30 plus applicable surcharge pursuant to rule 657—30.8(155A).

~~**3.10(3) 3.10(2) Technician trainee registration beginning July 1, 2009.** The fee for a one-year pharmacy technician trainee registration shall be \$20 plus applicable surcharge pursuant to rule 657—30.8(155A).~~

ITEM 5. Amend subrule 3.11(2) as follows:

3.11(2) Registration renewal. A certified pharmacy technician registration that is not renewed before its expiration date shall be delinquent, and the registrant shall not continue employment as a pharmacy technician until the registration is reactivated. An individual who continues employment as a pharmacy technician without a current registration, in addition to the pharmacy and the pharmacist in charge that allow the individual to continue practice as a pharmacy technician, may be subject to disciplinary sanctions.

a. A person who is required to renew a registration pursuant to these rules and who fails to renew the registration before the first day of the month following expiration shall pay the renewal fee of \$30, a penalty fee ~~equal to the amount of the renewal fee~~ \$30, plus the applicable surcharge pursuant to rule 657—30.8(155A).

b. A person who is required to renew a registration pursuant to these rules and who fails to renew the registration before the first day of the second month following expiration shall pay the renewal fee, a penalty fee ~~equal to the amount of the renewal fee, \$40, plus the applicable surcharge pursuant to rule 657—30.8(155A), plus an additional penalty fee of \$10 for each additional month, not to exceed three additional months, that the registration is delinquent.~~ Failure to renew the registration before the first day of the third month following expiration shall require payment of the renewal fee, a penalty fee of \$50, plus the applicable surcharge pursuant to rule 657—30.8(155A). Failure to renew the registration

before the first day of the fourth month following expiration shall require payment of the renewal fee, a penalty fee of \$60, plus the applicable surcharge pursuant to rule 657—30.8(155A). The maximum combined fee payment for reactivation of a delinquent registration shall not exceed ~~an amount equal to twice the renewal fee plus \$30~~ \$90 plus the applicable surcharge pursuant to rule 657—30.8(155A).

ITEM 6. Amend subrule 8.35(4) as follows:

8.35(4) License expiration and renewal. General pharmacy licenses, hospital pharmacy licenses, special or limited use pharmacy licenses, and nonresident pharmacy licenses shall be renewed before January 1 of each year. The fee for a new or renewal license shall be ~~\$150~~ \$100.

a. Late payment penalty. Failure to renew the pharmacy license before January 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$150~~ \$100. Failure to renew the license before February 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$250~~ \$150. Failure to renew the license before March 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$350~~ \$200. Failure to renew the license before April 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$450~~ \$250 and may require an appearance before the board. In no event shall the combined renewal fee and penalty fee for late renewal of a pharmacy license exceed ~~\$600~~ \$350.

b. No change.

ITEM 7. Amend rule 657—10.3(124) as follows:

657—10.3(124) Registration and renewal. For each registration or timely renewal of a registration to manufacture, distribute, dispense, prescribe, import or export, conduct research or instructional activities, or conduct chemical analysis with controlled substances listed in Schedules I through V of Iowa Code chapter 124, registrants shall pay a biennial fee of ~~\$100~~ \$60.

10.3(1) No change.

10.3(2) Late renewal. Any registered person or business may apply, on forms provided by the board office, for registration renewal not more than 60 days prior to the expiration of the registration. Failure to renew a registration prior to the first day of the month following expiration shall require payment of the renewal fee and a penalty fee of ~~\$100~~ \$60. Payment shall be made as specified in subrule 10.3(1).

ITEM 8. Amend subrule 12.7(2) as follows:

12.7(2) Initial permit, renewal, and fees. The fee for an initial permit or permit renewal shall be paid at the time that the application for the permit or permit renewal is submitted for filing. Payment shall be made in the form of a personal, business, certified, or cashier's check or money order made payable to the Iowa Board of Pharmacy. Payments made in the form of foreign currency or third-party endorsed checks will not be accepted.

a. Initial and renewal fees. For each initial permit or timely renewed permit, an applicant shall pay a fee of ~~\$200~~ \$100.

b. Late application. Failure to renew a permit prior to January 1 following the permit's expiration shall require payment of the renewal fee plus a ~~\$200~~ \$100 late payment fee.

c. No change.

ITEM 9. Amend subrule 17.3(2) as follows:

17.3(2) License expiration and renewal. A wholesale drug license shall be renewed before January 1 of each year. The fee for a new or renewal license shall be ~~\$300~~ \$150.

a. Late payment penalty. Failure to renew the license before January 1 shall require payment of the renewal fee and a penalty fee of ~~\$300~~ \$150. Failure to renew the license before February 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$400~~ \$250. Failure to renew the license before March 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$500~~ \$350. Failure to renew the license before April 1 following expiration shall require payment of the renewal fee and a penalty fee of ~~\$600~~ \$450 and may require an appearance before the board. In no event shall the combined renewal fee and penalty fee for late renewal of a wholesale drug license exceed ~~\$900~~ \$600.

b. No change.